

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the Attorney of Record, Stephen J. Manich, on July 31, 2009. See attached Interview Summary.

The application has been amended as follows:

In the claims:

In claim 1, line 20: replaced "trail" with - - trial - - to correct a minor typographical error.

In claim 10, line 13: replaced "intersection" with - - intersecting - - to correct a minor typographical error.

Examiner's Comment:

The instant application is being allowed for the arguments presented on pages 24 and 25 of the Appeal Brief filed on April 24, 2009.

Further, the arguments presented on pages 21-24, with respect to the rejections under 35 USC 112 second paragraph are persuasive. Accordingly, the examiner is withdrawing the various rejections and passing the instant application to issue.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anu Ramana whose telephone number is (571) 272-4718. The examiner can normally be reached Monday through Friday between 8:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Barrett can be reached at (571) 272-4746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR

July 31, 2009

/Anu Ramana/

Primary Examiner, Art Unit 3775